

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No. 414 of 1997

in

SPECIAL CIVIL APPLICATION No. 856 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER  
and  
MISS JUSTICE R.M.DOSHIT

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?  
1 to 5 : NO

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GUJARAT KAMGAR PANCHAYAT THROUGH GENERAL SECRETARY

Versus

STATE OF GUJARAT  
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Appearance:

MR TR MISHRA for Petitioner  
MR PB BHATT AGP for Respondent No. 1  
MR PB BHATT for DA BAMBHANIA, AGPs for Res. No. 2  
MR JD AJMERA for Respondent No. 3  
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CORAM : MR.JUSTICE C.K.THAKKER and  
MISS JUSTICE R.M.DOSHIT

Date of decision: 25/09/97

ORAL JUDGEMENT {Per : Thakkar, J.}

This appeal is filed against an order passed by the learned Single Judge summarily dismissing the petition i.e. Special Civil Application No. 856 of 1997 on March 14, 1997. When the petition was called out for hearing, the learned Single Judge was of the view that "the grievance raised in this petition can be effectively adjudicated in an industrial dispute, which may be raised by the petitioner-Union in accordance with the provisions of the Industrial Disputes Act" and hence, it was not a case to exercise extra-ordinary jurisdiction under Article 226 of the Constitution of India. While disposing of the petition, the learned Single Judge has observed as under :-

"If the Labour Department is having any surprise inspection report, the copy of the same shall be made available to the petitioner-Union by the concerned officers of the Labour Department."

When the Letters Patent Appeal came up for admission, Mr. T.R Mishra, learned counsel for appellant stated that though such a direction was issued by the learned Single Judge that a copy of "surprise inspection report shall be made available to the petitioner-Union" and though such a copy was there, it was not supplied. The Division Bench issued notice, pursuant to which respondents appeared. Mr. P.B Bhatt, learned AGP under the instruction of the Officers of the Labour Department stated that a copy of such report is available and that yesterday i.e., 24th September, 1997 a copy is sent to the Appellant-Union and within a day or two, it will be received by the appellant-Union.

So far as merits are concerned, in our opinion, the learned Single Judge has not committed any error of law in directing the petitioner-union to seek appropriate remedy available to them. Hence, we do not see any infirmity in the order passed by the learned Single Judge. Letters Patent Appeal accordingly stands dismissed. Notice discharged. No order as to costs. Liberty to apply in case of difficulty.

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Prakash\*